

Introduced by Senators Steinberg and Correa

February 22, 2013

An act to amend Sections 5813.5 of the Welfare and Institutions Code, relating to mental health, and making an appropriation, therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 585, as introduced, Steinberg. Mental health: Mental Health Services Fund.

Existing law contains provisions governing the operation and financing of community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. Existing law, the Mental Health Services Act, an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, funds a system of county mental health plans for the provision of mental health services, as specified.

The act establishes the Mental Health Services Fund, continuously appropriated to and administered by the State Department of Health Care Services, to fund specified county mental health programs, including programs funded under the Adult and Older Adult Mental Health System of Care Act. The Adult and Older Adult Mental Health System of Care Act establishes service standards that require, among other things, that a service planning and delivery process provides for services that are client-directed and employ psychosocial rehabilitation and recovery principles. The act authorizes the Legislature to clarify procedures and terms of the act by majority vote.

Existing law, the Assisted Outpatient Treatment Demonstration Project Act of 2002, known as Laura's Law, until January 1, 2017, regulates designated assisted outpatient treatment services, which counties may

choose to provide for their residents. In counties where assisted outpatient treatment services are available, a person is authorized to obtain assisted outpatient treatment pursuant to an order if requisite criteria are met, as specified. Under that law, participating counties are required to provide prescribed assisted outpatient services, including a service planning and delivery process, that are client-directed and employ psychosocial rehabilitation and recovery principles.

This bill would clarify that services provided under Laura's Law may be provided pursuant to the procedures specified in the Mental Health Services Act, thereby making an appropriation.

Because the bill would clarify the procedures and terms of Proposition 63, it would require a majority vote of the Legislature.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares that
2 the provisions of this act are consistent with, and further the intent
3 of, the Mental Health Services Act.

4 SEC. 2. Section 5813.5 of the Welfare and Institutions Code
5 is amended to read:

6 5813.5. Subject to the availability of funds from the Mental
7 Health Services Fund, the state shall distribute funds for the
8 provision of services under Sections 5801, 5802, and 5806 to
9 county mental health programs. Services shall be available to adults
10 and seniors with severe illnesses who meet the eligibility criteria
11 in subdivisions (b) and (c) of Section 5600.3. For purposes of this
12 act, seniors means older adult persons identified in Part 3
13 (commencing with Section 5800) of this division.

14 (a) Funding shall be provided at sufficient levels to ensure that
15 counties can provide each adult and senior served pursuant to this
16 part with the medically necessary mental health services,
17 medications, and supportive services set forth in the applicable
18 treatment plan, *including treatment plans developed pursuant to*
19 *the Assisted Outpatient Treatment Demonstration Project Act of*
20 *2002 (Article 9 (commencing with Section 5345) of Part 1).*

21 (b) The funding shall only cover the portions of those costs of
22 services that cannot be paid for with other funds including other

1 mental health funds, public and private insurance, and other local,
2 state, and federal funds.

3 (c) Each county mental health programs plan shall provide for
4 services in accordance with the system of care for adults and
5 seniors who meet the eligibility criteria in subdivisions (b) and (c)
6 of Section 5600.3.

7 (d) Planning for services shall be consistent with the philosophy,
8 principles, and practices of the Recovery Vision for mental health
9 consumers:

10 (1) To promote concepts key to the recovery for individuals
11 who have mental illness: hope, personal empowerment, respect,
12 social connections, self-responsibility, and self-determination.

13 (2) To promote consumer-operated services as a way to support
14 recovery.

15 (3) To reflect the cultural, ethnic, and racial diversity of mental
16 health consumers.

17 (4) To plan for each consumer's individual needs.

18 (e) The plan for each county mental health program shall
19 indicate, subject to the availability of funds as determined by Part
20 4.5 (commencing with Section 5890) of this division, and other
21 funds available for mental health services, adults and seniors with
22 a severe mental illness being served by this program are either
23 receiving services from this program or have a mental illness that
24 is not sufficiently severe to require the level of services required
25 of this program.

26 (f) Each county plan and annual update pursuant to Section
27 5847 shall consider ways to provide services similar to those
28 established pursuant to the Mentally Ill Offender Crime Reduction
29 Grant Program. Funds shall not be used to pay for persons
30 incarcerated in state prison or parolees from state prisons.

31 (g) The department shall contract for services with county
32 mental health programs pursuant to Section 5897. After the
33 effective date of this section the term grants referred to in Sections
34 5814 and 5814.5 shall refer to such contracts.